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PART FOUR - OFFICIAL LEAVE

I GENERAL

Official leave is time off without loss of pay or charge to annual or sick leave allowed by statute, Executive Order, or administrative action. Official leave shall be granted eligible employees for the activities and within the limitations specified in this PART.

II LEAVE FOR WITNESS SERVICE IN JUDICIAL PROCEEDINGS

A Instructions on Court Leave. See AMS/FGIS Instruction 116-2, Appearance in Judicial Proceedings for Witness Service.

B Employee Absence for Witness Service. The kinds of judicial proceedings and the proper designation of leave or duty status applicable to an employee's absence for witness service are shown in the table below.

TABLE 4-A - EMPLOYEE ABSENCE FOR WITNESS SERVICE

NATURE OF WITNESS SERVICE	DESIGNATION OF ABSENCE		
	Court Leave	Official Duty	Annual Leave or LWOP
Proceedings arising within Department or growing out of the violation of laws of a State or subdivision thereof in the enforcement of which an employee has been authorized to assist.		X	
Proceedings arising outside Department at which an employee testifies for the United States or District of Columbia.		X	
Proceedings in which the United States is an interested party and the employee testifies not on behalf of the United States, but: a In an official capacity or as an expert witness, or b In an unofficial capacity.***		X	X
Proceedings other than those above in which the employee is called upon to testify in an official capacity or as an expert witness.		X	
Proceedings on behalf of a State or local government where employee is not testifying in an official capacity.	X ^{1/}		
Proceedings not covered by one of the above situations.			X

^{1/} An employee eligible for court leave who is on annual leave or sick leave when called for witness service shall have court leave substituted for the period of witness service. If an employee who is otherwise eligible for court leave is in nonpay status (furlough, leave without pay, etc.) when called for witness service, he/she cannot be granted court leave.

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MANUAL MAINTENANCE INSTRUCTIONS:
Revised as shown by asterisks. Remove Pp. 4-1 and 4-2, dated 7-31-75. File revised Pp. 4-1 and 4-2.

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III COURT LEAVE FOR JURY SERVICE

Procedures on attendance at court for jury service are set forth in AMS/FGIS Instruction 116-1.

A Policy. An employee summoned for jury service shall report as instructed in the summons, unless the absence will severely interfere with program requirements of the Agency. If the employee cannot be spared from official duties the supervisor should notify the court and request that the employee be excused from jury service. Inconvenience or an increase in workload due to the employee's absence are not sufficient reasons to request excuse from jury service. If an excuse is necessary, the supervisor may request (through channels) that the Employee Relations and Services Branch, PE Division, ask for assistance from the Office of General Counsel.

B Reporting Jury Service. Employees with regularly scheduled tours of duty (full-time, part-time, or temporary) are entitled to court leave for jury service.

1 If an employee is excused or discharged from jury service for one workday or for a substantial portion of a workday, he/she shall return to duty. If the employee does not return to duty, annual leave or leave without pay shall be charged for the number of hours involved, unless:

a It is not practical to return to duty because of the distance between the court and the place of duty; or

b The employee is assigned to night work.

2 If an employee is on leave without pay, court leave shall not be granted until the date the employee is scheduled to return to duty.

3 If an employee's date of separation or furlough has been fixed by notice to him/her, pay status shall not be extended for the purpose of granting court leave for jury service.

4 If an employee is on annual leave when called for jury service, court leave shall be substituted for the period of jury service.

5 The court certificate for jury service, showing the employee's name, type of court, days of jury service, the rate of pay per day, and the total fee paid to the employee, must be attached to the office copy of the employee's T&A Report for the pay period in which the employee returns to duty.